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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

ORACLE USA, INC., *et al.*,

Plaintiffs,

v.

SAP AG, *et al.*,

Defendants.

Case No. 07-CV-1658 PJH (EDL)

**STIPULATED REQUEST AND
 [PROPOSED] ORDER THAT
 DEFENDANTS MAY RELEASE THE
 SUPERSEDEAS BOND**

Date: N/A
 Time: N/A
 Courtroom: 3, 3rd Floor
 Judge: Hon. Phyllis J. Hamilton

STIPULATED REQUEST TO RELEASE DEFENDANTS' SUPERSEDEAS BOND

Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc. ("Defendants") submit this Stipulated Request and [Proposed] Order that Defendants may release the supersedeas bond previously approved by Court Order at ECF No. 1077.

WHEREAS, on June 22, 2011 this Court entered an order approving a supersedeas bond in the amount of \$1,325,033,547.00 as appropriate security to stay execution of the final judgment entered on February 3, 2011 (ECF No. 1036), pending disposition of post-judgment motions and, if necessary, appeal. *See* ECF No. 1077.

WHEREAS, on September 1, 2011 this Court granted Defendants' motions for judgment as a matter of law and motion for a new trial, and vacated "that portion of the February 3, 2011 judgment awarding \$1.3 billion for hypothetical license damages." *See* ECF No. 1081 at 20.

WHEREAS, as a result of the Court's September 1, 2011 order, there is no final judgment upon which Oracle can execute.

WHEREAS, Plaintiffs Oracle USA, Inc., Oracle International Corporation, and Siebel Systems, Inc. ("Oracle," and together with Defendants, the "Parties") stipulate to this request.

NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their respective counsel of record, that Defendants may release the supersedeas bond previously approved by Court Order at ECF No. 1077.

IT IS SO STIPULATED.

Dated: October 5, 2011

JONES DAY

By: /s/ Tharan Gregory Lanier
Tharan Gregory Lanier

Counsel for Defendants
SAP AG, SAP AMERICA, INC., and
TOMORROWNOW, INC.

In accordance with General Order No. 45, Rule X, the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

1 Dated: October 5, 2011

BINGHAM McCUTCHEN LLP

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3 By: /s/ Geoffrey M. Howard
4 Geoffrey M. Howard

5 Attorneys for Plaintiffs
6 ORACLE USA, INC., ORACLE
INTERNATIONAL CORPORATION, and
7 SIEBEL SYSTEMS, INC.
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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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6 DATED: October 7, 2011

